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Spring 2012

# Of Counsel, Volume 14 | Spring 2012

North Carolina Central University School of Law

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## A Culture of Scholarship

*The Advancement of Faculty Research & Publishing*

NCCU School of Law Gains AALS Membership

NCCU Law Named as One of Best Law Schools for Public Service

President Obama's Jobs Council Meets at NCCU School of Law

*Professor Kimberly Cogdell Boies speaks to students in the Moot Court Room about the annual Costa Rica study abroad opportunity.*



## Volume 14 / Spring 2012

A magazine for alumni and friends of  
North Carolina Central University  
School of Law.

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*Dean Raymond Pierce*

## Letter from the Dean

Dear Alumni:

As most of you are aware, I am in the final semester of what will be a term of seven years as Dean of the North Carolina Central University School of Law. I am so proud of what we have been able to accomplish together during the time in which I have had the privilege of being Dean. Our alumni, our faculty, our students and our many supporters have truly enhanced the strength, respect and admiration of the NCCU School of Law. Our law school is quite frankly an enjoyable place. The wonderful feeling I have about our law school is not easily explainable. Perhaps it is the balanced and nurturing learning environment. Or it could be the family atmosphere that is so obviously present. Maybe it is

the collegiality of the environment for those who learn or work here. It could be all of these things. Whatever the reason, I simply feel good to be here, which of course makes it difficult for me to move on. However, I move on with a sense that our law school is in very good standing. In fact, the state of our law school is beyond good-- it is outstanding.

In January, our law school was admitted as a full member into the Association of American Law Schools (AALS). Membership with the AALS is based primarily upon published scholarship among the faculty. Our law school had pursued AALS membership for many years. Our success in finally obtaining membership not only represents an acknowledgment of the sound culture of faculty scholarship at our law school, it also is a testimony to the incredible dedication of our faculty towards continuing to strengthen our law school for the benefit of our students. A large representation of our faculty was in Washington, D.C., and in attendance at the meeting of the Board of Delegates of the AALS in January. Following the unanimous vote in favor of membership, the NCCU School of Law faculty was asked to stand and be recognized. As our faculty stood to receive applause and recognition, I looked at our professors and affirmed in my mind that we have the best law school in the nation. That was a very emotional moment for me. Certainly we do not need membership in the AALS to certify us as the great law school that we have become over the years; however, that vote of membership is a mighty compliment that we certainly earned.

I want to thank everyone for the many well wishes I have received following my announcement that I would be leaving at the end of June. Without question the success that has been attributed to me would not have been possible, but for the strong support and guidance I received from our alumni over these years. It is important that our alumni remain engaged with our law school. These are difficult times in higher education. Funding cuts, constricted budgets and increased competition for student applicants all combine to require alert and aggressive leadership at the law school supported by a connected and aware alumni. Active alumni support is essential.

Most attorneys will never have the honor or the privilege of being dean of a law school. Even fewer will be blessed with the opportunity to be dean of a law school as special as the North Carolina Central University School of Law. I thank God for this experience and I thank all of you for the support you have so generously provided me.

Raymond C. Pierce  
Dean and Professor of Law



# Readings Features

## A Culture of Scholarship

By Wendy B. Scott, Associate Dean of Academic Affairs and Professor of Law

A culture of scholarship has taken root at NCCU Law School. For many years efforts of faculty members to fully participate in the academy were hindered by limited resources and threats to the very existence of the Law School. Yet an intellectual culture was always present. That culture has flourished over the past seven years, thanks to the commitment of Dean Pierce to provide the resources needed to advance faculty research and publishing. Faculty research receives outstanding support from the library staff and student research assistants. Faculty present their works in progress at the Law School and at various conferences and law schools across the country. Summer stipends and travel money provide financial support for research.

Engaging in scholarly research and writing is essential to the academic enterprise. While questions are raised from various corners, both inside and outside of the academy, about the value

of academic writing, the NCCU Law School faculty knows that research and scholarship support teaching and contribute to the development and understanding of law. Coupled with our

historic commitment to social justice and excellent teaching, we view research and writing as part of our responsibility to the academy, the profession, our students and the public. We stand on the shoulders of, and aspire to be like, W.E.B. DuBois, Carter G. Woodson, John Hope Franklin and other scholars who taught, researched and produced some of the most outstanding scholarship while on faculty at historically black colleges.

At NCCU, both seasoned and new faculty members produce scholarship covering a range of subject matter from intellectual property to family law. These original works have already influenced thinking in the academy, the bench and the bar. (See the “Faculty Profile” section for examples of recent publications.) Following are some highlights from several recent publications that propose law reforms in environmental and tax law, explore the relevance of race in education, health care reform, disability and employment law, examine the dilemmas faced by same-sex couples with family law and bankruptcy issues and address complex questions of professional responsibility.



*Dean Wendy Scott*

## Environmental and Tax Law Reform

The Law School has a demonstrated commitment to increasing the number of minority attorneys in the areas of Tax and Environmental Law. Professors Kevin Foy '94 and Reginald Mombrun '88 have been instrumental in helping the law school achieve this goal. Working in collaboration with Professors Felicia Branch and Walter Nunnallee (retired), Mombrun has developed a Tax Certificate program, added advanced tax courses to the curriculum, worked with students to gain admission into Tax LL.M. programs, and founded the Low Income Taxpayer Clinic directed by Tameka Lester '11. Foy has worked with the Environmental Protection Agency and the Vermont Law School to provide internships and advanced studies in Environmental Law to students at NCCU. Both professors are also committed to having their voices heard, through scholarship, beyond the wall of the law school.

Mombrun joined the faculty in 2008, already an accomplished scholar in the field of Tax. His Carolina Academic Press book on Corporate Tax, co-authored with Professor Branch, is one of several publications. In 2011, Mombrun published “Shifting the Paradigm by Bringing Tax Arbitrage to the Lower Income Separated Family: Why Should the Middle to Upper Class Family have all the Fun?,” in Akron Law School's Tax Journal. Mombrun explains that, “Following divorce or separation, tax arbitrage occurs in middle- to upper-income families who understand (through proper tax advice) that sometimes allowing the noncustodial parent to claim a child deduction ultimately lowers overall taxes for the family unit. This tax saving can then be passed on to the custodial parent in the form of higher child support payments and/or more regular child support payments.” He goes on to suggest that because tax arbitrage is less pervasive in lower-income families, “they forgo billions in tax dollars!” Mombrun's article examines some of the reasons that tax arbitrage is not prevalent in the lower-income communities and suggests several ways to address the problem, including proposed legislative language. His goal is to provide a tax incentive at all income levels that would encourage more child support payments in the face of rising rates of divorce. “When taxpayers engage in tax arbitrage in the separated family setting, this may



*Reginald Mumbrun '88*

give rise to 10% in increased child support payments and, more important, increased visitation by the absent father because there is a direct correlation between making child support payments and visitation.”

Foy has also coupled his teaching of Environmental Law with his scholarship. Foy notes that “[t]he law in the United States, as it affects matters relating to the environment, has evolved from common law notions of nuisance and property rights to a structure dominated by cooperative federalism. This generally means that national laws set forth the overarching goals for managing air pollution, water pollution, and hazardous waste, while individual states choose how to implement the goals.” Foy explains that his article in the 2011 Charlotte Law School Law Review, “Complexities of Urban Sustainability: Using Local Land Use Authority to Achieve Environmental Goals,” “traces the history of land use regulation in North Carolina, and the influences on that regulation from the federal and state government. It also looks at the tools that are available to municipalities and how those tools can be used to achieve

comprehensive environmental regulation. It suggests changes to the authority that municipalities have to regulate land use, and changes to the revenue base, both of which might serve as incentives for environmental planning.” Foy claims that because local authority “provides a strong foundation for land use regulation, federal or state involvement should be limited— based both on historical factors and the demonstrated ability of local governments in North Carolina to respond to environmental challenges.” Foy concludes that “[t]he relative manageability of North Carolina’s cities, because of their size both in terms of population and current geographical composition, may, with the proper incentives for regional planning and additional funding, provide an opportunity for municipalities to use their land use authority explicitly for the purpose of achieving environmental goals.”

## Race in Law and Policy

Acknowledging the role of race in law and policy continues to present challenges both in and outside of the academy. At NCCU School of Law, several faculty members have committed their scholarly agenda to meeting this challenge. The role of race in health care reform, employment, disability discrimination and education are just a few examples of areas where professors have started the conversation.

In her article, “Using the Flexibility of the Affordable Care Act to Reduce Health Disparities by Creatively Structuring Health Insurance Exchanges,” Kimberly Cogdell Boies suggests how the federal Affordable Care Act might effectively address the fact that poor minorities make up a disproportionate share of medically underserved individuals and “to present a novel strategy to increase health equity through health insurance exchanges.” Cogdell Boies notes in her article published in St. John’s *Journal of Civil Rights & Economic Development* that “Health insurance exchanges are a major component of the Affordable Care Act. Suggested benefits of these exchanges are lowering costs, providing necessary services through one mechanism, and expanding benefits and protections.” She goes on to explain that while the Act will decrease financial barriers to health care access, the use of such exchanges in Massachusetts





David Green

has done little to eliminate health disparities. “A study of health disparities published in the *Journal of General Internal Medicine* showed that having insurance did not equate to a reduction in health disparities. Black and Hispanic adults were still less likely to be insured than Whites; there was no decline in financial barriers to physician services for Blacks and Hispanics; there was no significant increase in access to a personal doctor for Blacks and Hispanics; and self-reported health status did not improve for Blacks or Hispanics. Health insurance exchanges can reduce health disparities by increasing competition among insurance companies for spots in the exchange; creating a data clearinghouse at the state level; and requiring insurance plans included in the exchange to provide certain resources and benefits. Based on the benefits of these exchanges, Cogdell-Boies concludes that, “By offering a centralized location to purchase health services at an affordable rate and mandating individual coverage, the Affordable Care Act addresses some of these issues.”

David Green, who teaches Employment Discrimination and Civil Procedure, has taken on the challenge of exploring the intersection of race with procedure in his article published by the Southern University Law Review. In his article, “Friend or Foe: The Supreme Court’s ‘Plausible Claim’ Standard Provides Another Barrier for Plaintiffs in Employment Discrimination Cases,” Green argues, “The Supreme Court has clearly established itself as a ‘foe’ to plaintiffs in employment discrimination cases.” Green concedes that while the landscape of racial discrimination over the past 50 to 60 years has improved, attitudes of racial bigotry and intolerance still exist. Therefore, he contends, “The initial pleading stage for plaintiffs in an employment discrimination case should be fair and simple to assure that potentially meritorious cases move forward. The Supreme Court of the United States’ role is to provide justice to those who are victims of discrimination.” “Unfortunately,” says Green, “the Supreme Court has established a ‘plausibility’ standard in *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal* that builds a barrier for plaintiffs in employment discrimination cases. The Supreme Court has not only raised the new standard beyond what is required by federal pleading rules; the new standard gives trial judges nearly unfettered discretion to dismiss employment discrimination claim at the initial pleading stage.” Green fears that “[t]he Supreme Court’s decision to increase the burden in civil cases will eliminate civil rights claims for many plaintiffs,” and concludes that “[i]t is imperative that attorneys, judges, legal scholars and politicians respond to the new standard through legislative action. Furthermore, they need to educate the Supreme Court in order to urge to a more just system for plaintiffs seeking justice in civil rights cases.”

Green also teaches Disability Law. In December 2011, *The Berkeley Journal of Gender, Law and Justice* invited Professor Green to present and publish his article, “The ‘Invisible Child’: Race and Disability Collide at the Crossroads.” In the article, Green notes that, “[w]hile Supreme Court precedent individually address race and disability, there is no precedent that effectively addresses the subcategory of race and disability. Accordingly, there are no specific laws that recognize and address the injustice visited upon the African-American child who either has a disability or is misclassified with a disability.” The failure to recognize the intersection of race and disability is problematic,

because “African-American children are overrepresented in special education classes; among the numbers of children removed from the school system; among children with truancy problems; and in the number of children in the juvenile justice system.” This overrepresentation, says Green, violates the principle announced in *Brown v. Board of Education* that in the field of public education the doctrine of “separate but equal” has no place. Moreover, it establishes a new class of what Green dubs “the invisible child.” By failing to see these children and address their needs, Green warns, “The cost of not addressing such discrimination for an African-American child with a disability is too high because our society is losing a large number of African-American children to a justice system that too easily discards them.” Green’s article also addresses the need for legislation and provides legislative recommendations to address this problem.

Wendy Scott, a recognized expert in desegregation law and jurisprudence, published “*McKissick v. Carmichael* Revisited: Legal Education In North Carolina Through The Lens Of Desegregation Jurisprudence” in the Spring 2012 issue of the *NCCU Law Review*. Her article positions the North Carolina campaign for equality in legal education within the larger context of lawsuits decided prior to *Brown v. Board of Education*. In the article, she shows that “[c]ases brought between 1938 and 1950 contributed to the momentum to desegregate the University of North Carolina Law School and provided the precedent for the emerging jurisprudence of desegregation. These cases also contributed to the establishment of the North Carolina Central University School of Law.” Scott concludes, “the permanence of North Carolina Central University School of Law, and other HBCUs created to resist the end of legally mandated segregation is one of the victories of the campaign to end racial apartheid in the United States.”

## Same-Sex Relationships

Susan Hauser, a prolific new scholar and popular professor (she earned the coveted “Professor of the Year” award in 2011 along with Fred Williams and Brenda Reddix-Smiths), has written about the impact of Bankruptcy Law on mediation,



Susan Hauser

home mortgages, and personal jurisdiction. In her latest publication, “The Defense of Marriage Act (DOMA) and the Equal Treatment of Same-Sex Married Couples under Section 302(a) of the Bankruptcy Code,” found in the 2011 edition of the *American Bankruptcy Law Journal*, she takes on the impact of bankruptcy on same-sex couples. Hauser notes, “When couples marry, they receive an expansive package of government-sanctioned rights and entitlements that provide them with substantial economic benefits. DOMA blocks same-sex couples from receiving the federal components of this package, creating two classes of married couples who are afforded very different economic treatment under the law. The right to file a joint bankruptcy petition is one of the many economic benefits provided to married couples by federal law. The term spouse is not defined in the Bankruptcy Code; however, since 1996, DOMA has defined a spouse as ‘a person of the opposite sex who is a husband or a wife.’ Although no state permitted same-sex couples to marry when DOMA was adopted in 1996, six states currently permit same-sex couples to marry. A seventh state, California, recognizes the marriages of 18,000 same-sex



Lydia Lavelle '93

couples performed during a five month period in 2008. In total, approximately 11% of the United States population now lives in a state where same-sex marriage is a reality under state law.” A 2011 Bankruptcy Court decision held DOMA unconstitutional as applied to the Bankruptcy Code. Hauser agrees with the ruling in her article and argues, “a married same-sex couple therefore has the right to file a joint petition in bankruptcy” because “DOMA violates both the equal protection and due process rights” of individuals in same sex marriages.

Lydia Lavelle '93, who joined the School of Law faculty in 2009 and teaches Sexual Identity and the Law, has already made her mark among scholars in the field. In 2011, she was invited by Shannon Gilreath (Wake Forest University) to co-author the second edition of *Sexual Identity in Context*. Also in 2011, she published “North Carolina’s Continuing Assignment of Responsibility for its Children: *Boseman v. Jarrell*” in the *Charlotte Law Review*. “With an increasing number of children who have parents who are not married,” says Lavelle, “states are balancing the familiar best interest of the child standard against

the pragmatic question of whether the state should assign legal and financial responsibility for a child to a second ‘parent’ in same-sex relationships who is willing to fulfill this role.” She goes on to note, “[h]istorically, the state looked for the ‘putative father’ to step up and actively sought out ways to urge mothers and fathers to get married so that their children would have two parents.” While statutory law evolved so that stepparents and parents using artificial means of having children could more easily become legal parents, these rules do not address parents who are not permitted to legally marry. Many states, points out Lavelle, have already addressed this with what has come to be known as “second-parent adoption.” The premise of this article is that North Carolina should follow suit.

## Professional Responsibility

Michael C. Wallace Sr., '83 and Kia Vernon '00 have addressed ethical issues from different vantage points. In his article titled, “Make the Hand Fit the Glove — OPR Find Misconduct,” Wallace focuses on the Department of Justice Office of Professional Responsibility’s (OPR) finding of intentional professional misconduct against a federal prosecutor based on the flawed premise that an attorney-client relationship exists within the Department of Justice. Wallace, a former federal prosecutor, now teaches Criminal Law, Criminal Procedure, Evidence, Appellate Advocacy and Professional Responsibility. According to Wallace, “OPR abandoned well-established legal principles and found that a police officer and a supervisor are the clients of a federal prosecutor. By erroneously interpreting the ABA Model Rules of Professional Conduct and the United States Attorney’s Manual, OPR recklessly made the facts fit an ethical violation and deprived a federal prosecutor of his livelihood rather than fulfilling its true purpose — ensuring that Department attorneys observe the highest level of professionalism.” Wallace contends, “there is a need for an independent governmental agency or an internal mechanism that provides accountability and meaningful oversight of OPR’s process for determining whether a Department of Justice attorney has engaged in intentional or professional misconduct. Utilizing an independent agency to conduct a complete and thorough analysis of facts and the law, apart from [OPR], will





*Michael Wallace '83*



*Kia Vernon '00*

curtail the use of flawed legal premises in finding a [Department] attorney has committed ethical misconduct.”

In her article titled, “No Se Habla Español: Ethical and Practical Considerations for Non Spanish-Speaking Attorneys Representing Spanish-Speaking Clients,” Kia Vernon examines ethical issues that present themselves to non Spanish-speaking attorneys representing Spanish-speaking clients. Vernon, who is fluent in Spanish, teaches Spanish for Lawyers. Vernon’s starting point is that by 2050, it is estimated that approximately one in every four Americans will have someone of Hispanic origin in their family tree. However, says Vernon, “the increase in the number of Hispanics entering into the legal profession is not commensurate with the Hispanic population growth. Although attorneys do not have to be of the same race or ethnicity of their clients to provide competent representation, issues can arise that are specifically related to this demographic that can affect the client’s representation. These issues can be amplified when the client speaks a different language than the attorney or the attorney is not aware of the other issues that can affect a client’s

representation.” Her article identifies the ethical issues that should concern lawyers representing clients with limited English proficiency and offers practical advice to the bench and the bar on avoiding breaches of professional responsibility.

These are but a few of the many scholarly pieces have been presented and published by the esteemed faculty of NCCU School of Law. Indeed, the culture of scholarship has married well with the excellence in teaching that has long been found here, and even greater progeny is to be expected going forward.



# NCCU School of Law Gains AALS Membership

By Raymond Pierce, Dean of School of Law

The North Carolina Central University School of Law has been elected to membership in the Association of American Law Schools (AALS), a nonprofit group that works to improve the legal profession by improving legal education. The AALS's House of Delegates approved NCCU's membership at its annual meeting in Washington, D.C., on January 5, 2012.

To qualify for membership in the association, a law school must demonstrate "a culture of research and scholarship," said Raymond Pierce, Dean of the NCCU School of Law. "It is a very rigorous process," he added. "Clearly our faculty deserves this recognition."

Chancellor Charlie Nelms also hailed the membership vote. "NCCU's approval for membership in AALS is reflective of the university's unswerving commitment to excellence, the strong leadership of Dean Pierce and the scholarly contributions of our faculty," he said.

The NCCU School of Law is only the third law school at a historically black university to join the association, joining Howard University and Southern University. Among the seven law schools in North Carolina,

the NCCU School of Law is just the fourth to gain AALS membership, joining the schools of UNC-Chapel Hill, Duke University and Wake Forest University.

The law school has long been noted for its focus on public service and on meeting the needs of people and communities that are underserved by the legal profession. The school offers 12 clinical programs in which law students, supervised by practicing lawyers, provide low-income residents with free legal help ranging from paperwork to representation in court.

In recent years, the school also has been recognized as a "best-value" law school by *preLaw Magazine*, a National Jurist publication, in rankings based on affordability, bar passage rates and job placement.



*Dean Raymond Pierce, Associate Dean Wendy Scott, Professor Charles Smith*

# NCCU Launches Maritime Law Program

By Raymond Pierce, Dean of School of Law

The University of North Carolina at Wilmington (UNCW) and North Carolina Central University School of Law are combining their strengths to offer a unique summer experience in Maritime and Admiralty Law to law students and practicing attorneys who wish to expand their expertise in these fields. The program will be held on the UNCW campus.

With an anticipated launch date of summer 2012, the program will offer courses in Ocean and Coastal Law, Coastal and Marine Science and Policy, and Environmental Science, which will be taught by faculty drawn from local practicing attorneys, UNCW faculty from related fields and faculty from the NCCU School of Law. The curriculum will focus not only on Maritime and Admiralty Law, but also related science and policy areas.

“There are no law schools in this part of the state, and we have been working toward a partnership that will help us fill that gap,” said UNCW Chancellor Rosemary DePaolo. “With our location and affinity with the coast, as well as our faculty expertise in marine science and environmental studies, it made sense to start with a program focused on Maritime Law. We are thrilled to partner with the NCCU School of Law in this endeavor, to host their excellent law faculty on our campus



and to look forward to offering additional programs with them in years to come.”

Although details for the summer program are still being developed, it will include a combination of face-to-face classroom meetings and distance education technology to limit travel for both students and faculty. Courses will be offered for credit to law students in good standing at an American Bar Association-accredited law school and as certificate program courses to law students, as well as practicing judges and attorneys. The non-degree program will be operated in compliance with the ABA section on Legal Education.

“Our goal is to build one of the best Maritime Law programs in the nation,” said NCCU School of Law Dean Raymond Pierce. “The dialogue I have had with Chancellor DePaolo and her team at UNCW gives me confidence that we will achieve this goal.”

# Why NCCU is Prepared for the Proposed ABA Standards 302-305

By Brenda Gibson '95, Legal Writing Director and Assistant Professor

This essay was born during the summer of 2011 as I struggled to fit this very fascinating information into an article that I was writing. The essay is about a subject on which many have ruminated and written; it is a subject that I became interested in after attending the 2010 Charlotte School of Law's Outcomes Conference — the maelstrom in the academy, better known as ABA proposed Standards 302-305. Ever the optimist, [I have written] this essay from the viewpoint that NCCU, and many law schools like it, is better positioned for the proposed standards than many people think. Indeed, this essay is written to relieve some of the angst felt by many professors, program directors like myself, and institutional administrators when they think about implementing the proposed Standards.

## A. Summary of the Proposed Standards

The proposed Standards were summarized by Subcommittee Chair, Steven C. Bahls (Chair), in a manuscript from the Charlotte School of Law's Outcomes Conference:

1. Standard 302 provides that law schools identify desired learning outcomes. It provides substantial flexibility for law schools, consistent with each law school's mission.
2. Standard 303 provides that law schools offer a curriculum that is designed to produce graduates that have attained the identified learning outcomes. The proposed standard, with a few exceptions (e.g. a required course in professional responsibility), leaves it to each law school to determine what that curriculum will be.
3. Standard 304 provides that law schools apply a variety of formative and summative assessment methods across the curriculum to provide meaningful feedback to students. The determination of how to assess learning outcomes is left to the law schools. Schools are not required to measure the level of achievement of each student in each learning outcome.
4. Standard 305 provides that law schools review the pedagogical effectiveness of their curriculum and improve their curriculum with the goal that all students are likely to achieve proficiency in the identified learning outcomes.

In a nutshell, these proposed changes call for a movement away from "inputs measurements (such as numbers of books, faculty-student ratios, etc.) to outcomes assessment," shifting the focus



in legal education from teaching to learning. The new standards will require that law schools know and articulate their goals and have in place some mechanism for measuring/assessing their effectiveness in achieving those goals.

I submit, however, that this is nothing new! Assessment has been around for quite some time. Assessment is defined as “the gathering of data, usually quantitative in nature and based on testing, that provide the information for evaluation to be made.” A circuitous process, assessment involves setting goals, gathering evidence to determine if the goals are being met, interpreting the evidence, and making changes to the goals as the evidence shows is necessary.

## B. Summary of the Assessment Process Under the Proposed Standards

To comply with the ABA proposed Standards, institutions must set up the framework for assessment. First, an institution must construct its mission statement (for a department, its program goals), which summarizes its “core values.” It must then define its “measurable student learning outcomes” (SLOs). In his article, Gregory Munro defines student outcomes as “the stated abilities, knowledge base, skills, personal attributes, and perspectives on the role of law and lawyers in society that the school desires the students to exhibit on graduation.”

Significantly, broader institutional SLOs, which are often included in the larger institutional strategic plan (as opposed to those narrower SLOs

included on a course syllabus),[] are probably better referred to as “institutional outcomes.” To be effective under the proposed Standards, these “institutional outcomes,” already drafted as a part of an institution’s strategic plan, will perhaps need to be fleshed out a bit more to be made more “measurable.” Tomes of literature have been written on creating measurable outcomes. Suffice it to say that this is a time-consuming, but necessary, part of the process. Without a proper definition of what is being measured, a proper mechanism cannot be measured.

The next step requires that the success in achieving those goals or SLOs be measured. Presently, most law schools make this determination through their self-studies in preparation for site visits and strategic planning. Under the new ABA Proposed Standards, additional interim mechanisms will need to be employed. Tools such as rubrics, curriculum mapping, focus groups, and surveys, to name a few, have been mentioned in many of the articles discussing assessment.

## C. A Position of Readiness

NCCU School of Law was “[f]ounded in 1939, to provide an opportunity for a legal education to African-Americans,” Today, “the School of Law . . . provides this opportunity to a more diverse student body than any other in the nation, as it pertains to race and gender.” The law school’s mission is “to provide a



challenging and broad-based educational program designed to stimulate intellectual inquiry of the highest order, and to foster in each student a deep

sense of professional responsibility and personal integrity so as to produce competent and socially responsible members of the legal profession.” As noted on the law school’s webpage, “This environment of diversity better prepares our students to effect positive change in the broader society.”

NCCU School of Law has for many years prided itself on producing “practice-ready” attorneys, even before the ABA proposed its new standards. It has been necessary for its survival as a Historically Black College or University (HBCU) and a lower-tiered law school. Many like NCCU have also long prided themselves on doing the same — perhaps for similar or maybe different reasons.

For a school like NCCU, which has a longstanding and clearly articulated mission to engender diversity and produce “practice-ready” attorneys, the shift in academic paradigm will not be great. Indeed, the school’s mission statement is buttressed by its long-range strategic plan, which has “objectives,” “goals,” or “outcomes” — all acceptable language in the area of assessment — that track the mission. Further, during the last SACS accreditation, each professor was instructed to include SLOs on the course syllabi. Additionally, each professor teaching a first-year substantive course or a four-credit, upper-level course is required, or strongly encouraged, to administer both midterm and final examinations, i.e., formative and summative assessment. In fact, our first-year legal writing faculty utilizes numerous assessments — from the



grammar diagnostics given during the first week of class, to the interim assessments that are graded during the semester, leading up to the final memo.

Additionally, many other professors are taking advantage of technology in the classroom, using clickers or Westlaw’s polling function, to engage in more informal methods of formative assessment. Finally, the Long-Range Planning Committee is a standing committee at the law school, which meets periodically to determine if the stated goals have been met or need to be revised.

## D. Conclusion

Without a doubt there is still some heavy lifting to be done. The informal process of assessing student and institutional outcomes used in the past will need to be formalized under the proposed Standards. Most notably, the goals noted in the institution’s long-range strategic plan will need to be reviewed to ensure their measurability. Finally, our institutions must take the final step of setting up regular, interim measurement (or collecting of evidence) to determine if “institutional and student objectives” are being met. I posit, however, that with collaboration between faculty, the bar, and administrators the heavy lifting need not be overwhelming. Indeed, we are better positioned for change than many (including ourselves) think. In the words of the old British adage, “Keep calm and carry on.”

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# NCCU School of Law Judicial Clerkship Program

By Linda Wendling, Assistant Dean of Career Services

Post-graduate judicial clerkships are invaluable experiences that talented students and recent graduates both should seriously consider. While a judicial clerkship was once an opportunity for graduating law students only, judges are increasingly hiring attorneys with one to three years of experience. That may mean that NCCU Law School alumni will need to reevaluate their career paths and perhaps make an appointment with the Career Services Office. As our own Professor April Dawson recounts:

*Prior to serving as a law clerk to the Honorable Judge Emmet G. Sullivan of the United States District Court for the District of Columbia, I was an attorney with the United States Department of Justice (DOJ). I worked at DOJ for two years before clerking for Judge Sullivan. Although I was already a practicing attorney (and had filed twenty briefs and argued eight cases before the federal courts of appeal), when I became a law clerk I learned a tremendous amount about the federal trial court system, advocacy, and the inner workings of a judge's chambers.*

A judicial clerkship on your resumé can serve as a catapult for the rest of your legal career and, of course, a recommendation from a judge is a wonderful supplement to your application for post-clerkship jobs. Professor Dawson notes:

*When encouraging our students to consider clerking, I share my personal experience and emphasize that understanding judges' decision-making processes will translate into better advocacy for clients. I also inform students that many law firms and government agencies, recognizing the numerous benefits of clerkships, will often hold a job for a lawyer who wants to clerk.*

The significance of a judicial clerkship cannot be overstated. This will be most attorneys' one chance to see the workings of the judicial system from the viewpoint of the decision-maker. The intimate nature of judicial clerkships allows the clerk to really participate in a meaningful way and understand the intricacies of balancing law, facts and the administration of justice. Quite simply, the best education a lawyer can receive is this opportunity to get inside the brain of a judge. The most rewarding experience of a young attorney's career may come in this early stage when a judge actually uses his/her clerk's work to form the basis of his/her opinion. NCCU alumnus and adjunct Professor Chauncey Malone remembers his time as clerk to United States Magistrate Judge Deborah A. Robinson of the United States District Court for the District of Columbia.

*My judge was an excellent writer, and I learned a lot from going over corrections and drafts of the opinions. My research skills also were improved as my judge gave me the freedom to research issues and present my analysis of the cases I worked on and what I thought the correct ruling on an issue should be.*

There may be no other time when your research, writing and analytical skills will be as rigorously exercised and tested. Recent

# “In the months leading up I have gone from one single emotion,

Shrika Robinson,

graduate Arien Cannon, who now clerks for the Honorable Michael R. Pearson, Prince Georges County, Maryland Circuit Court, states:

*Everyone keeps telling me that clerking will be the best job I will ever have. After five months of clerking in Prince George's County, Maryland, I have no reason to doubt such an assertion. My clerkship experience has been everything a recent law school graduate could ask for: practical experience, learning the "Do's and the Don'ts" of practicing law, and finally, understanding all the abstract legal principles learned throughout law school.*

*I have been able to watch a trial in its entirety, from the jury selection process to the verdict being read aloud in a room full of tension. The responsibilities that come with serving as a law clerk provide me with a sense of fulfillment in realizing that my work is meaningful. It is gratifying to know that my work plays a critical role in the chamber's day-to-day operations.*

Because of the many benefits associated with judicial clerkships, they are highly sought after positions and very competitive. Seeing this increased competition for judicial clerkships, the NCCU Law School Student Services, with the support of

the entire law school community, began this academic year with a reenergized initiative to contact judges and involve the faculty in encouraging promising students earlier in their law school careers to seek a clerkship. Jamar Creech '10, law clerk

to Magistrate Judge Deborah A.

Robinson, United States District Court for the District of Columbia, notes that professors play an important role in securing these opportunities as he “was able to secure [his] employment after getting a great referral from a faculty member.” Driven by the Career Services Office, this new plan will capture rising 2Ls in enough time to counsel and guide them to successful applications. As Malone points out, reaching out to a judge for a 2L summer internship may very well lead to an invitation to apply for the post-graduate clerkship opportunity in chambers.

The most critical skills to demonstrate to a judge are those relating to the applicant's ability to produce a coherent, concise and thorough memorandum or bench brief. Advanced writing courses are key to achieving a strong candidacy.

NCCU Law has added more rigorous

writing courses, including the Judicial Opinion Writing course, which is very popular for students interested in clerking. Malone remembers going through “stacks and stacks of resumes” as he helped his judge hire his replacement for the year after his own clerkship. He explains, “I would tell people to consider interning with a judge and make sure they work on writing



Linda Wendling

# to the start of the clerkship, excited, to a mix of feelings.

Class of 2012

and researching skills to help stand out.” Further, those writing skills will be honed to a fine edge. Not only did Malone gain “great insight on how things worked in front of the bench and behind the bench during [his] clerkship, [but he was also] able to improve [his] writing and researching skills.”

It is no wonder that candidates who are offered the opportunity are often overwhelmed by the honor. Graduating 3L Sharika Robinson shares her excitement:

*Beginning August 2012, I will clerk for the Honorable Victoria A. Roberts of the Eastern District of Michigan. Commissioned on June 26, 1998, Judge Roberts has over 13 years of experience on the bench. This is a two-year judicial clerkship, during which I am certain to learn a lot. I am extremely blessed and honored to be working with Judge Roberts and I am looking forward to the experience.*

*Having said that, obtaining a clerkship in this market took a lot of effort. I spent countless hours reviewing my writing samples and resumes, and writing personalized letters of interest; but after speaking with Judge Roberts, I knew she was the judge for me. During the interview, we discussed typical interview topics. I was asked the infamous question, “Why should I hire you?” I hesitated;*

*I wanted to say what I thought an employer wanted to hear. But before I knew it, I began speaking about my journey and my grandmother’s favorite saying, “There ain’t no half stepping.” I explained how that idiom became a part of my existence and manifested in my work. Two hours after my first interview with Judge Roberts, she called me personally and told me that she had “deep admiration for my story.” I thought, “Wow, I cannot believe that just happened!” From that moment on, I knew for sure that Judge Roberts was “my judge.”*

*In the months leading up to the start of the clerkship, I have gone from one single emotion, excited, to a mix of feelings. But, I have no doubt that as a student at North Carolina Central Law, I am well equipped to do the job. Here at Central, emphasis is placed on students participating in judicial internships and externships. Now, more than ever, I am thankful that I followed the advice offered because I have insight into what I should expect from my clerkship. Additionally, this year, my schedule is concentrated with [a] balance of classes that will prepare me for the bar, as well as classes that will prepare me for my clerkship.*

There are opportunities at just about every level of the judiciary



Sharika Robinson – Class of 2012



“I’ve never met a person who  
but I’ve met more than a few who wish

Nariessa Smith, NCCU

in both the federal and state systems in criminal, civil and administrative courts. The task of the Career Services Office is to help students and alumni identify those opportunities that may fit well with their needs and interests. There are a few programs that address particular demographics and provide candidates with an alternative avenue. NCCU Law School participates actively in these programs. For the preceding two years, we have sent several students to the ABA Judicial Clerkship Program, which is held in conjunction with the ABA Midyear Meeting.

The Judicial Clerkship Program is a joint effort of the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline and the ABA Judicial Division. The three-day program allows minority law students from around the country to meet with judges and former law clerks. The program also includes panel discussions, a research and writing exercise, and informal social events.

Building on the success of the students participating in the Clerkship Program, the ABA offers two other programs, the Judicial Internship Opportunity Program, through the ABA Section of Litigation, and the ABA Business Law Section Diversity Clerkship Program. The Judicial Internship Opportunity Program is open to first and second year students

and provides a more intense experience over the summer. The ABA Business Law Section Diversity Clerkship Program addresses the particular challenges regarding diversity “as law students are often unfamiliar with the field and perceive it as conservative and unaccepting.” The Business Law Section’s summer program exposes students to business practices and provides them with support from an experienced mentor.

Additionally, the Just the Beginning Foundation (JTBF) has two

dynamic programs designed to increase the diversity of judicial clerks. The JTBF Summer Internship Program works to expose minority law students to working with judges early in their academic careers in the hopes that these students will seek clerkships after they graduate. The Foundation has hosted this summer program

“My clerkship experience  
has been everything a recent  
law school graduate  
could ask for.”

Arien Cannon ’11

in conjunction with the Judicial Resources Committee of the United States Judicial Conference for two years now. More than 50 federal circuit, district, magistrate and bankruptcy judges are participating in the JTBF Summer Internship Program this year, and (as of this writing) Caroline Denning ’14 made it to the third phase of the application process and interview schedules. She is currently waiting to hear from a magistrate and circuit court judge in Raleigh regarding a final interview and placement.

# regretted doing a clerkship, that they had seized the opportunity.

Associate Professor

The JTBF Share the Wealth Judicial Clerkship Program is run by judges and operates as a referral program for judges to screen third-year law students and recent graduates for clerkship positions. The Honorable Gerald Bruce Lee, in the Eastern District of Virginia, spearheads this initiative and along with seven of his colleagues, interviews candidates for district court clerkship opportunities across the country.

The law school's new initiative will attempt to address the potentially overwhelming process of preparing materials and applying for clerkship opportunities. The Career Services Office has drafted an entirely new and relatively extensive Judicial Clerkship Manual for students and alumni and it will be available as a .pdf through the new portal section of the NCCU Law School website, which is set for launch this spring. The involvement of the faculty is the cornerstone of this initiative. Several faculty members served as judicial clerks in a variety of courts, and we are hoping to tap into their knowledge and enthusiasm for clerking to invigorate and inform NCCU students and alumni.

NCCU Associate Professor Nariessa Smith shares:

*A judicial clerkship is a key that can open many doors in your legal career. It exposes you to multiple areas of*

*law, helps you refine your research and writing skills, gives you an up-close-and-personal introduction to the judicial process, and it provides you invaluable, lifelong connections. I've never met a person who regretted doing a clerkship, but I've met more than a few who wish that they had seized the opportunity.*

Alum and adjunct Professor Chauncey Malone further explains:

*I had a great relationship with my judge. We would not only discuss legal issues in the cases, but also the legal field in general and other things such as sports and the local politics. [In addition,] I [ ] was able to talk to the lawyers who came into chambers and I was able to ask them questions about the legal field.*

The Judicial Clerkship Committee and the Career Services Office welcome alumni to contribute their experiences and thoughts on any clerkships they may have had to the *Judicial Clerkship Manual*. The manual will include these personal reflections to encourage our current NCCU Law students who are considering a clerkship and to assist them during the application process.



*Chauncey A. Malone '06*

# Faculty Profiles



**Jim Beckwith** attended the Center for Computer-Assisted Legal Instruction (CALI) annual meeting at Marquette Law School in Milwaukee, Wis., in June 2011, where he made a presentation on engaged teaching and technology. Beckwith also presented a paper titled, “From Classroom to Clinic: Unbound in Time and Space, Engagement with Students and the Courts,” which appears on

the CALI website. Beckwith continues to serve as editor of the quarterly *Notes Bearing Interest* for the Business Law Section of the North Carolina Bar Association.

**Cheryl Amana-Burris** presented at the XXXII International Congress on Law and Mental Health at Humboldt University in Berlin, Germany, in July 2011. Her presentation, “The Same-Sex Marriage Debate: Why Does it Matter?,” focused on the importance of family and the benefits of marriage to all individuals and their children, regardless of gender. She also served as a panelist at the Southern Regional Conference on Reproductive Justice hosted by UNC Law School in February 2012. Amana-Burris presented the annual Cheryl Amana-Burris Award for Distinguished Service to Professor Jenny Brobst. This award was established in Amana-Burris’ honor by the Women’s Law Caucus. She serves as co-advisor to the Law Students for Reproductive Justice and is active with the Charles Houston Bar Association (Oakland, Calif.). Amana-Burris is especially pleased with the evidence-based research and practice provided for families through the Center for Child and Family Health, which she co-founded in 1993. The Center is a collaborative

effort of NCCU, Duke University and UNC–Chapel Hill. In addition to her work with the standing and ad hoc committees at the law school, she has chaired the Faculty Development Committee for several years. Among its other activities, the Committee has coordinated weekly “Works in Progress” luncheons, served as host and coordinator for the March 2012 Gonzaga Law Teaching Institute Conference and assisted the Dean with preparing the faculty for AALS membership. Amana-Burris is a member of the Minorities in the Profession Committee of the North Carolina Bar Association and its subcommittee on law school admissions. She also serves on the

NCCU Institutional Review Board (IRB). This committee reviews all proposals submitted through the University concerning research impacting or using human subjects.



**Frances Bynum '82**, along with Judge Wanda Bryant '82 and Dean Pamela Glean '80, will complete a new edition of their book on North Carolina appellate practice and procedure for publication with Carolina Academic Press by the end of 2012.



**April G. Dawson** published “A Next Step in Health Care Reform: Ensuring the Protection of Employee Rights Under the Family and Medical

Leave Act” in the 2011 *Saint Louis University Law Journal*. As court-appointed counsel, Dawson successfully represented the appellant in *Okoli v. City of Baltimore* before the United States Fourth Circuit Court of Appeals.



**Kevin Foy '94** published an article titled, “Complexities of Urban Sustainability: Using Local Land Use Authority to Achieve Environmental Goals” in the spring 2011 *Charlotte Law Review*. He also organized a one-day conference in November 2011 on “Laws and Land Use” to provide an update on legal issues and their implications for planning professionals. The

conference was certified by the American Planning Association to provide professional credit and included updates on changes to annexation laws, extraterritorial jurisdiction rules, and design standards. Foy also attended the Association of American Law Schools (AALS) conference on changes to the curriculum in June 2011. He participated in a two-day workshop in Boston, Mass. for EPA law student summer interns, discussing career opportunities in Environmental Law.



**Jeff Edwards** and Page Potter oversaw the Teens and Attorneys, Partners in Success program (TAPS), which was held at the NCCU School of Law in July 2011. TAPS, originating from an idea proposed by North Carolina Bar Association past-President Charles Becton and developed by a subcommittee chaired by Edwards, is a program of the Law Related Education

Advisory Committee of the North Carolina Bar Association and is designed to teach life skills and provide mentoring to at-risk minority youth. Edwards did a presentation for the Board of Governors of the Bar Association on the TAPS program in October 2011.



**Brenda Gibson '95** published an essay titled, “Why Many Law Schools are Better Prepared Than Anticipated for the Proposed ABA Standards 302-305,” in Volume 43 of the *ABA Syllabus*, the newsletter of the ABA Section on Legal Education and Admission to the Bar. She is currently completing her article, “Grading Rubrics: Their

Creation and the Role They Play in Teaching and Learning,” before submitting it for publication in 2012.



**Pamela Glean '80** gave opening remarks entitled “The Possibilities of TALIAS (Technology Assisted Legal Instruction and Services)” for the unveiling ceremony of the NCCU School of Law Telepresence Room. In June 2011, Glean presented “The Use of Technology to Assess Clinical and Professional Skills” at the CALI annual conference hosted

by Marquette University School of Law. She also presented in November 2011 “TALIAS: One Solution for Access to Justice” at the UNC School of Law Center on Poverty, Work, and Opportunity; “Professionalism Issues for Young Lawyers” for the February 2012 Law to the People Inc. Continuing Legal Education Program; and “Technology and Skills Assessment: The Panopto Solution” at the Institute for Law Teaching and Learning Conference on Technology In and Beyond the Classroom in March 2012. Glean wrote the introduction for the article, “Unsung Survivors: Why the Spouses, Widows and Children of Elderly Veterans are Losing the War against the VA,” to be published by Craig Kabatchnik, Director of the NCCU Law Veterans Clinic, in the spring 2012 issue of the *Marquette University Law School Elder's Advisor*.





**David Green** serves on the Faculty Assembly of the University of North Carolina General Administration as an alternate delegate. The assembly consists of faculty representatives from each of the 16 member schools. Green was elected to serve in this role by the members of the NCCU faculty in August 2011. Green represented the university during the first two

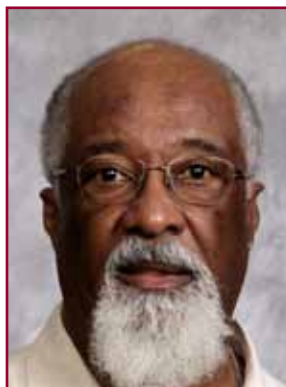
meetings of the assembly for this academic year, in September and November 2011. In October 2011, Kestrel Heights Schools honored Green as the keynote speaker at their inaugural induction of students into the National Honor Society. He also spoke at the Salvation Army Boys and Girls Club Annual Banquet. His publications include "Friend or Foe: The Supreme Court's 'Plausible Claim' Standard Provides Another Barrier for Plaintiffs in Employment Discrimination Cases," which has been accepted for publication in the *Southern University Law Review* and "The 'Invisible Child': Race and Disability Collide at the Crossroad," which has been accepted for presentation and publication at University of California at Berkeley on March 23, 2012 as part of a symposium entitled "Re-branding Disability Law: The Intersection of Disability with Gender, Race, Class and Other Identities."



**Susan E. Hauser** has accepted an invitation to serve as the Robert M. Zinman Resident Scholar at the American Bankruptcy Institute (ABI) for fall 2012. This prestigious appointment will involve Hauser in a variety of tasks: writing for publications, speaking at conferences, answering questions for the media, interfacing with Capitol Hill staff, serving as a

witness for Congressional hearings, and attending arguments at the Supreme Court. The scholar serves in the ABI's Alexandria, Va., office for a semester away from full-time teaching, while

preserving the ability to teach a reduced course load and maintain a presence at school. In September 2011, Hauser published "More than Abstract Justice: The Defense of Marriage Act and the Equal Treatment of Same-Sex Married Couples under Section 302(a) of the Bankruptcy Code" in *The American Bankruptcy Law Journal*, a peer-reviewed journal. This year, she also co-edited (along with Victoria Wright) a short work titled, *Credit, Debt Collection, and Bankruptcy Handbook for North Carolina Consumers*, which was used in conjunction with the 2011 Financial Health Clinics of North Carolina, a public service project of the Bankruptcy Section of the North Carolina Bar Association. The handbook was written by the students in Hauser's spring 2011 Bankruptcy class and is available online. In November 2011, Hauser and Attorney Nicholas Brown gave a presentation titled "Pleading After *Iqbal* and *Twombly*" at the Thirty-fourth Annual Bankruptcy Institute in Asheville. Hauser continues to serve as a member of the Local Rules Committee of the United States Bankruptcy Court for the Eastern District of North Carolina, and also continues as the North Carolina Editor for the Corporations and Partnerships manuscripts for the BarBri Bar Review. Finally, Hauser was named by her students in the Day Program as one of two Professors of the Year for 2010-2011.



**Irving Joyner** serves as the State Legal Redress Chairperson of the North Carolina NAACP. He is also a member of the North Carolina Indigents Defense Commission, the State Employees Credit Union Advisory Committee, and engages in a host of interviews with local, state and national radio, television and newspapers media regarding political,

educational, civil rights and race-related issues. In spring 2011, Joyner participated in a two-week visit to South Africa to develop a foundation for his Race and Poverty course that will be taught during the spring 2012 semester. The course focuses on Comparative Law in South Africa. Joyner will take members of his class to South Africa as part of their course work. In 2011, Prof. Joyner served as a panelist, speaker and organizer of

numerous events. He was a panelist for the Black Law Students Association (BLSA) Regional Workshop on Race and Gender in the Legal Profession; the Martin Luther King Town Hall Meeting in Raleigh, which he co-organized; and the North Carolina NAACP's Mid-Winter Meeting in Durham discussing voting rights and redistricting. He served as co-organizer and speaker for the Historic Thousands on Jones Street (HKonJ) March and Demonstration in Raleigh, which resulted in the participation of over 12,000 individuals; spoke at Hickory, N.C., Branch NAACP's Community Workshop on Police Brutality and Misconduct and at the Southern Coalition for Social Justice's Training Program on Redistricting held at the NCCU School of Law. Joyner also participated as co-host for a team of lawyers from the United States Department of Education's Office of Civil Rights as part of its investigation of resegregation of the Wake County School System; in discussion with the Chancellor's office and Durham County Board of Education officials to develop strategies to enhance NCCU's assistance to local school district; in the Annual Convention of North Carolina Advocates for Justice's Criminal Law CLE program in Wilmington; and as a speaker at the Northeast Regional NAACP Conference on state and local redistricting efforts. Finally, he testified at North Carolina General Assembly's Joint Legislative Redistricting Committee's hearing.



**Lydia E. Lavelle '93** spent much of 2011 co-editing a casebook, *Sexual Identity and the Law*, with Professor Shannon Gilreath from Wake Forest University. It is now in print and available through West Publishing. In fall 2011, Lavelle spoke at forums at Duke University and NCCU School of Law regarding the upcoming marriage amendment vote that

will take place in North Carolina in May 2012. She also is a newly appointed member of the NC-LEAF Board of Directors. Lavelle attended the AALS Annual Conference in Washington, D.C., in January 2012. In the local government arena, she was reelected in November 2011 to the Carrboro Board of Aldermen for a second four-year term, and was reelected in December 2011

to a second one-year term as the chair of the Transit Advisory Committee of the Metropolitan Planning Organization, which covers Durham and Orange counties.



**Adrienne Meddock**

**'91** was a presenter at the Carolina Patent, Trademark, and Copyright Lawyer's Association (CPTCLA) fall meeting CLE on September 24, 2011 at the Isle of Palms in South Carolina. Her presentation, "The Hot Mess of Hot News," looked at the surprising recent revival of the "hot news" theory of intellectual property rights stemming

from the 1918 United States Supreme Court case *INS v. AP*. Meddock was a contributor to the book *Annual Review of Intellectual Property Law Developments 2010*, published by the ABA Section of Intellectual Property Law, an annual reference resource for the bench and bar on the most important legal developments in the prior year. She is also contributing to the 2011 volume.



**Mark Morris '82** coached

Leah Leone '12 and Valoree Hanson '12 in the Jeffrey S. Abrams National Mediation Competition in Houston. Ms. Leone won the championship and Ms. Hanson was the first runner-up. They bested a field of student mediators from some of the finest dispute resolution programs in the country. In addition, the third edition of Daye and Morris, *North Carolina Law of Torts* is scheduled for publication in June 2012.



**Reginald Mombrun's** '88 latest article, titled "Shifting the Paradigm by Bringing Tax Arbitrage to the Lower Income Separated Family: Why Should the Middle to Upper Class Family have all the Fun?," was published in the 2011 *Akron Law Tax Journal*. Additionally, Mombrun made several presentations during the year, including a lecture about his book on Haiti tentatively

titled, *Haitian Diaspora: Is Haiti Doomed to Become a Failed State? How can the Diaspora Help?* The lecture was presented to the NCCU Law faculty on October 13, 2011. Mombrun also made a presentation on the rulemaking process at the IRS to the Administrative Law class on February 14, 2011, and September 26, 2011, and was invited to present his paper on tax arbitrage at the Critical Perspectives on Tax Policy at the Emory University School of Law on September 16, 2011. Finally, Mombrun lectured on tax ethics at the Tenth Annual North Carolina/South Carolina Tax Workshop on May 29, 2011. His lecture, titled "Ethics in Tax Practice — The Ethical Challenges Facing the Practitioner of a Challenging and Complex Area of the Law," was well received.



**Brenda Reddix-Small** recently published two articles: "Credit Scoring And Trade Secrecy: An Algorithmic Quagmire or How the Lack of Transparency in Complex Financial Models Scuttled the Finance Market" in the *University of California at Davis Business Law Journal*; and "Intellectual Property, Anti-Trust And Game Theory, In the Mobile Phone

Telecommunications Industry" in the NCCU *Biotechnology and Pharmaceutical Law Review*. Reddix-Small also presented during a CLE for the North Carolina NAACP's State Convention's Roundtable on "High Stakes Testing, the Purpose and Impact of Standardized Testing in the Public Schools"

during the 2011 Annual State Convention in High Point.



**Wendy Scott** published an article titled "*McKissick v. Carmichael* Revisited: Legal Education in North Carolina Through the Lens of Desegregation Jurisprudence" in the spring 2012 issue of the NCCU Law Review. In October 2011, Scott presented at the NAACP State Convention CLE on "Desegregation to Resegregation" and was invited

to speak on writing casebooks at the Southeast/Southwest People of Color Scholarship Conference held at Cumberland Law School (Birmingham) in spring 2012. She also traveled to Washington, D.C., along with Dean Pierce and Chancellor Nelms, to meet with the AALS Membership Committee and Executive Committee to present the law school's application for admission to the Association.



**Charles Smith** prepared 24 entries for the *Annual Review of Intellectual Property Law Developments 2011* published by the ABA Section of Intellectual Property Law. The entries dealt with a range of topics including: the right of universities and small businesses to retain the right to federally funded inventions; standing in patent infringement suits; licensing restrictions on

game software; personal jurisdiction based on internet activities; and the rights to patents as between successor and predecessor corporations. He also contributed numerous entries to the 2010 Review.

**Dionne Gonder-Stanley** attended the Clinical Law Review's Writer's Workshop in October 2011, hosted by New York University Law School, where she discussed with other clinical faculty her work in progress tentatively titled "North





Carolina's Prayer for Judgment Continued: Do Broad Legislative Restrictions Make Sense?" Also, on October 28, 2011, Gonder-Stanley gave a presentation titled "Expungements: The Legal Mechanism of Sealing an Arrest/Conviction Record" at the Re-entry Barriers Facing Your Clients & Legal Remedies CLE Program organized by the Legal Aid of North Carolina.

More than 130 attorneys and 20 paralegals from locations across the state attended the program by using HD video conference technology made possible through the grant-funded Technology Assisted Legal Instruction and Services (TALIAS) program at the NCCU School of Law. CLE participants learned about the social barriers faced by North Carolina residents who have had contact with the criminal justice system and about the various legal remedies available to help those residents achieve a successful reentry into the community. Along with Charles Smith, Gonder-Stanley co-chaired the committee that organized the Law Teaching Institute Conference that was held at the law school on "Technology in and Beyond the Classroom" in March 2012.



### Kia Vernon '00

attended the AALS annual meeting in Washington, D.C. in January 2012. In March 2011, she presented "Practical Considerations for Non-Spanish Speaking Attorneys Representing Spanish Speaking Clients" at the Hispanic Law Students Association (HLSA) CLE. She also presented "No Se Habla Español: Ethical and

Practical Considerations for Non-Spanish Speaking Attorneys Representing Spanish Speaking Clients," at the New Scholars Workshop for the Southeastern Association of Law Schools annual meeting in Hilton Head, S.C. in July 2011. Her article of the same title was accepted for publication in the *Journal of Civil*

*Rights and Economic Development*, the official publication of the St. Johns Law School Ronald H. Brown Center for Civil Rights and Economic Development. Additionally, Vernon volunteered at J.Y. Joyner Elementary in Raleigh, North Carolina in 2011 and was a chaperone for the school's fifth grade trip to Washington, D.C., in March 2011.



### Kacie Wallace '99,

along with Mark Morris '82, has partnered with the Durham Mediation Center and members of the Durham County judicial system to start a "Civilian Court" in Durham and to extend mediation opportunities in that court to the Alternative Dispute Resolution (ADR) Clinic students. The ADR Clinic

students serve as mediators in civilian court, truancy courts and the Office of Administrative Hearing Medicare/Medicaid mediation program. Wallace traveled to Bangkok, Thailand, in July 2011 to teach "The Narrative in Conflict" and taught "Conflict Management Skills" at the Duke-UNC Rotary Center for International Studies in Peace and Conflict Resolution this past fall. She also served as a consultant to Just Vision, a film production company, on the making of an educational discussion guide to the film *Budrus*, an award-winning feature documentary film about a Palestinian community organizer who unites local Fatah and Hamas members along with Israeli supporters in an unarmed movement to save his village from destruction by Israel's Separation Barrier. Wallace continues to mediate cases for the U.S. Olympic Committee and works with the committee in various capacities to find ways to bring resolution to a range of disputes in Olympic sports. Wallace also wrote an article, "Mediation in Olympic Sports," for the June 2011 North Carolina Bar Association Dispute Resolution Section publication, *Peacemaker*. She was named an Ocean Ambassador by the Ocean Recovery Alliance, an organization in Hong Kong that promotes healthy and sustainable oceans. In July 2012, she will compete in the Paddleboard World Championships as she crosses a 32-mile channel from Molokai to Oahu in Hawaii.



# New Faculty



**Angela Gilmore** joined the faculty in July 2011. Previously, she taught at Nova Southeastern University School of Law in Fort Lauderdale, Fla., for 18 years. She began her law-teaching career as

a visiting assistant professor at the University of Iowa College of Law and has also taught at Elon University School of Law in Greensboro.

At NCCU, Gilmore teaches Nonprofit Organizations, Legal Letters: Charitable Organizations, Decedents' Estates, and Sales and Secured Transactions. She has also taught, at various times during her teaching career, Property, Contracts, Agency, Professional Responsibility and Negotiable Instruments.

Gilmore received her bachelor's degree from Houghton College in Houghton, N.Y., and her Juris Doctor from the University of Pittsburgh School of Law. Upon graduating from law school, she practiced Corporate Law with the firm of Weinberg and Green in Baltimore. She is a member of the Maryland State Bar.

Gilmore has published several articles in law reviews and other legal publications. Selected publications include: "Incorporating Issues of Sexual Orientation into a First Year Property Law Course: Relevance and Responsibility" and "Using the Private Attorney General Theory to Protect Florida Charitable Corporations." She is also the co-author of a BNA Portfolio, *Testamentary Capacity and Validity of Wills*.

**Nareissa L. Smith** is a summa cum laude graduate of Spelman College and a magna cum laude graduate of Howard University School of Law. Upon graduation from law school, Smith held two judicial clerkships — one in the United States District Court for the District of Delaware and another in the District of Columbia Court of Appeals. Over the course of her academic career, Smith has taught Constitutional Law, Criminal Law, Criminal Procedure, Legal Writing, and seminars examining the role of race and gender in our legal system.

Smith's research interests include examining how the Constitution can be used to address the problems faced by many Americans on a daily basis. Professor Smith is particularly interested in the Commerce Clause and the First Amendment.

Smith's service interests include working to increase the number of female and minority law school applicants as well as the number of female, minority, and other non-traditional candidates for positions in legal academia. She is a proud member of the Society of American Law Teachers (SALT).

Smith is admitted to practice in the State of New York and the District of Columbia. She is thrilled to be at NCCU and hopes to contribute to the life of the law school through teaching, scholarship and service.

# NCCU School of Law Faculty and Students Participating in Durham's In-School Truancy Court

**N**orth Carolina Central University School of Law faculty and students are working with the Elna B. Spaulding Conflict Resolution Center to address problems of truancy in Durham Public Schools. Professors David A. Green, Michael Wallace and Timothy Peterkin '04 serve as in-school court judges, while students Laura Swartz, Shilanka Ware and Andrew Yu serve as mediators. The students were trained and referred to these efforts through the NCCU Law School Dispute Resolution Center, led by Professors Mark Morris and Kathleen Wallace.

Under North Carolina law, a parent or child may be prosecuted for truancy, or failure to attend school. If a child accumulates 10 unexcused absences in a school year, the school will contact the child's parent/guardian to see why the child has not been in class. The in-school truancy court intervenes before a child reaches the legal limit of 10 days of unexcused absences.

In-school truancy court is a restorative model that includes conferences with the in-school truancy judge, student, parents, social worker, mediators and other appropriate school staff. The court is not intended to be punitive, but to identify the obstacles or issues that prevent the student from attending school regularly, then to utilize the resources of all the people in the conference to work out a plan to help resolve the issues.

While many of the problems relating to issues of truancy revolve around poverty, the participants in the in-school truancy court are able identify more specific problems to reach an effective solution. Some of the reasons that a child may avoid school are a child's frustration with school due to a learning disability where the child is not receiving the appropriate support; lack of transportation; having to babysit siblings; and being homeless. The participants in the in-school court put a plan in place to address the problem and then continue to monitor the student's attendance.

The NCCU School of Law faculty and students are committed to this partnership to keep children in school and ensure that each child has a promising future.



*Top: A celebration for the 30th Anniversary of the NCCU School of Law Evening Program Bottom: Students studying for final exams*

# At School NOW

## NCCU Law Named One of Best Law Schools for Public Service

**N**orth Carolina Central University School of Law has been named one of best law schools for public service by *The National Jurist*. On Dec 5, 2011, the magazine recognized 63 law schools in five different categories as the best in preparing students for public service positions. The categories are: government, prosecutor/public defender, state judicial clerks, federal clerks and public interest. NCCU Law was recognized in both the prosecutor/public defender and the public interest categories.

“NCCU houses a diverse body of clinical opportunities that sensitize future lawyers to the importance of working at institutions that advance fairness and equity in the justice system,” said Pamela S. Glean, Assistant Dean for Clinical and Professional Skills. “These rankings reflect the efforts of the entire law school to produce and place lawyers in jobs where they

have the best opportunity to pursue these values.”

Twenty law schools were named in the government category, while 15 law schools were listed in each of the other categories. In addition to NCCU Law, 15 law schools were recognized in two categories: American University, Brooklyn Law School,





Capital University, Charleston School of Law, CUNY, Florida State, Northeastern, Southern University, University of Arizona, University of Arkansas – Little Rock, University of Baltimore, University of Denver, University of the Pacific, University of Wyoming and Yale University. Penn State Law was the only school to make three of the five lists.

“Our goal was to identify the law schools that have a proven track record of producing graduates for the different segments of public service,” said Jack Crittenden, Editor in Chief of *The National Jurist*. “Other rankings may focus on prestige. This study focuses on results.”

The magazine considered employment placement data, curricula and standard of living to determine the government, prosecutor/public defender and public interest categories. “Standard of living” was calculated using debt, loan forgiveness options, salary and regional cost of living. The judicial clerkship categories were decided based solely upon employment placement data.



## Wendell Peggot: Excellence in Legal Writing Winner

The Legal Writing Program coordinates a memo-writing competition each year. Students are given the opportunity to write a research memorandum and have that document judged by practitioners. The winners receive generous cash prizes. The first place winner receives \$1,000. The sponsors of the 2011 competition were Gray Newell, LLP; Nichols and Satterfield, PLLC; and Law to the People, LLC.

In the words of the 2011 Excellence in Legal Writing Winner...

My journey to overcoming my fear of writing began in the beginning of my 2L year. I was displeased with my grade in Legal Research and Persuasion. I dropped two letter grades from my Legal Research and Analysis course grade and was convinced that my professor made a mistake. At the time, I did not know

that grade would dictate my path here at North Carolina Central University School of Law. Professor Mary Wright, my writing professor, pointed out my errors and addressed all of her marks on my paper. At the end of the conversation, I vowed to her that by the time I graduated from this law school, I w[ould] learn th[e] craft of legal writing.

## NCCU Law Honored at ABA 4th Circuit Conference

The American Bar Association held its Fourth Circuit Spring Meeting in March 2011 in Williamsburg, Va. Law schools in the Fourth Circuit include those located in North Carolina, South Carolina, Virginia and West Virginia. LaKeisha Randall '11, who was NCCU Law SBA Parliamentarian and an ABA Representative, and T. Greg Doucette '12, who was NCCU Law SBA Treasurer (now SBA President), attended the conference. While there, Randall was recognized for recruiting the most law students into the ABA Law Student Division for all schools in the Fourth Circuit.

In the photo, Ms. Randall and Mr. Doucette hold the plaque, which reads: "North Carolina Central University School of Law has strengthened law student participation in the programs and activities of the division; and has achieved the highest overall Association/Division membership in the 4th Circuit."

## Equal Justice Works – D.C. Alumni and Students Reconnect

The Equal Justice Works Conference and Career Fair held October 21-22, 2011, in Washington, D.C., provided not only a chance for our students to interview with prospective employers, but a chance for our students and alums to reconnect. Several students and alumni were able to talk about federal public interest employment in D.C. at a dinner held at a local restaurant. This extra boost was just what our students needed as they interviewed and made the rounds during the Table Talk portion of the fair.

That school year I participated in every extracurricular writing assignment I could get my hands on. Albeit poorly, I participated in a competition for the Biotechnology and Pharmaceutical Law Review and in the Intra-School Moot Court competitions, both in the fall and spring semesters. Additionally, I ensured that each semester I enrolled in a writing intensive course. It was strange because I did not like to sit and write, but I deliberately sought out opportunities that forced me to sit and write. . . . I did not yet realize that my writing was getting stronger even though my writing products, standing on their own, were not necessarily getting better.

The summer going into my third year, I wrote on to the Biotechnology and Pharmaceutical Law Review. That was when my writing began to turn around. . . . I also earned a spot on the Moot Court team after three attempts. Additionally, I earned

honors for best brief and best overall performance in the Clifton E. Johnson competition. The source of my confidence was in the advice I received from professors who guided me through the desire to learn. I picked up tools such as *The Redbook* and *Advanced Legal Writing and Advocacy: Trial Appeals and Moot Court*. These books and [others] helped me to fill in the gaps that were left after my writing course work was complete. I now have no fear [of] sitting down and expressing myself on paper[.] I am thankful for all of the professors who knew my struggle and supported my journey. I am also thankful for the donors who gave the funds for the Excellence in Legal Writing Competition. I am thrilled to be the winner of the 2011 legal writing competition. As I go forth to start my legal career, I am convinced that I am now a strong writer.

## NCCU School of Law Students Win Abrams Mediator Competition

Leah Leone '12 and Valoree Hanson '12 took first and second place, respectively, in the Jeffry S. Abrams National Mediator Competition, held November 10-12, 2011, at the University of Houston Law Center in Houston, Texas. Sponsored by Jeffry Abrams, an accomplished Houston mediator, the competition is one of the only contests in the country where students are judged on their mediation skills. Leone and Hanson also participated in the Law Center's Tom Newhouse Mediation Advocacy Competition during the same two days. After five rounds of mediation, they prevailed over a field that included student mediators from Cardozo Law, UC-Hastings, Seton Hall, Thurgood Marshall, Quinnipiac and others.

The final round of the competition was judged by Abrams, for whom the national competition is named, the Honorable Frank G. Evans, known as the father of Alternative Dispute Resolution (ADR) in Texas, and Professor Emeritus Tom Newhouse, for whom the mediation advocacy competition is named.

For her first-place finish, Leone won the Champion Mediator trophy and the Frank Evans Mediator Scholarship award, worth \$2,000. "It was a great experience," she said. "It was an opportunity to combine preparation and my training, but I also had to rely on my own sense of who I am, to trust myself and what I think of as my strengths. The results affirmed that mediation is something on which I should focus my talents. Normally, you associate competition with tension and stress, but the Abrams Competition was enriching. The people, their

professionalism and collegiality made it great fun."

Hanson took home the Finalist Mediator trophy and the Jeffry S. Abrams Mediator Scholarship Award, worth \$500. "The learning curve was exponential. I came away from the competition a much better mediator than I was when we landed in Houston. It would have taken months to gain the experience, the [knowledge], and the feedback that I acquired in the condensed time frame of the competition environment. I am very grateful to all of the people who worked so hard to put on the competition and to the lawyers and mediators who judged it."

The students were coached by the law school's own accomplished mediator, Professor Mark W. Morris, Director of the Dispute Resolution Institute and a former member of the North Carolina Dispute Resolution Commission. "Placing first in any national competition is an achievement. Taking first and second place is just extraordinary. The secret to my coaching success is great students," he explained. "I am extremely proud of Ms. Leone and Ms. Hanson for what they have done and for the way they represented our law school and the Dispute Resolution Institute, and I look forward to defending the title next year."

Dean Raymond C. Pierce congratulated all who were involved. "This speaks highly of the students, the coaches, the Dispute Resolution Institute, and the School of Law."



*Leah Leone (left) with Valoree Hanson (right)*



## NCCU Law Hosts EPA Administrator and Business Leaders

On December 6, 2011, Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, chaired a roundtable discussion with about 30 business and government leaders at the North Carolina Central University School of Law. The White House Business Council and Business Forward NC, a trade group formed to encourage participation by business leaders in the policymaking process, organized the gathering.

"I truly believe and will always believe that the environment is a nonpartisan issue," said Jackson as she opened the session with remarks about the collaborative nature of President Obama's administration. She noted that the EPA's tightening of pollution standards easily contributes more benefit than cost, saving lives and mitigating "hundreds of billions of dollars" in healthcare expenses and productivity losses. Jackson added, "Americans actually like the idea that they're protected by the EPA."

She predicted that clean energy would become a \$4 trillion industry and challenged those present to develop the innovations that would create those jobs.

Three businessmen brought challenges of their own related to EPA regulation and support for their environmentally conscious operations.

John Gaither, President and CEO of Reichhold Inc., raised a concern with the U.S. Health Department's recent listing of styrene as a carcinogen. Gaither stated that "75 years of research shows it's not a carcinogen" and he wondered aloud about the risks of replacing it with some other chemical in the manufacture of his company's polyester resins about which scientists have much less knowledge.

Andy Marchiano, President of Longistics, a logistics and trucking company, asked how the EPA might support his fuel-efficient operation by either incentivizing environmental protection or penalizing competitors that forgo the expensive fuel efficiency upgrades.

Greg Merritt, Vice President of Cree, an innovator in LED lighting, pressed Jackson about how the EPA intended to ensure

the adoption of the new lighting efficiency standards to be enacted January 1, 2012. Merritt suggested "incentivizing the market to adopt energy-efficient technologies through tax policy or credits."

NCCU Law Dean Raymond C. Pierce was enthusiastic about the benefits of roundtable meetings such as this, the second to be held at the law school this year.

"I think it's invaluable for the White House, through its cabinet-level representatives, to seek out the concerns but also the ideas of our top business leaders in formulating policy," said Pierce. "These men and women are making the decisions that will determine job growth in this state and those decisions can be influenced, one way or the other, by public policy."

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## NCCU Law 1Ls Sweep 2012 Kilpatrick-Townsend Competition

In just the third year of participating in the competition, North Carolina Central University School of Law's Trial Advocacy Board's three 1L trial teams advanced to the final round for the third straight time — a 100% record of reaching the finals.

But this year's competition featured a twist: After practicing for more than six hours a day from January 2-11, our Legal Eagles dominated every other school so thoroughly that both of the finalists were from NCCU Law, guaranteeing a first-place finish in this competition for the first time in law school history. The only team to beat NCCU Law this year was another team from NCCU Law.

Going into Saturday's quarterfinals, NCCU had three of the top eight teams: the top-seeded team of Jeannelle Alexander, Emily Custer, Amelia O'Rourke-Owens, and Ernest Roberts; the No. 2 seeded team of Helen Baddour, Stephanie Faris, Jason Howe, and Sonyé Randolph; and the eighth-seeded team of Molly Brewer, Christina Carter, Jonathan Savage, and Matt Wareham.

Based on bracket-style seeding, NCCU was paired against NCCU in the quarterfinal round, where Team Brewer edged past Team Alexander to advance to the semifinals, while Team Baddour knocked out a group from the UNC School of Law



to advance as well. In the semifinals, Team Baddour defeated a team from Duke University School of Law while Team Brewer dispatched another team from UNC Law, setting up the second NCCU v. NCCU battle in the competition.

Before a crowded courtroom with nearly 70 observers (including three deans, seven professors, and dozens of students) prosecution Team Brewer faced defense Team Baddour in a highly polished championship match. In a close finish following extensive deliberations by the jury, Team Brewer was declared the winner, with Matt Wareham claiming the award for Best Witness and Jonathan Savage taking home the title of Best Advocate.

With 32 teams competing, NCCU Law had just 9.4% of the participants, but 37.5% of the quarterfinalists, 50% of the semifinalists, and 100 % of the finalists. Congratulations to the 1Ls for their incredible success! We look forward to watching

## President Obama's Jobs Council Meets at NCCU School of Law

On June 13, 2011, members of President Barack Obama's Council on Jobs and Competitiveness came to North Carolina and held a meeting at NCCU School of Law. The President's Council sought ideas and suggestions from local leaders about how to accelerate job growth and economic development.

In a spirited 90-minute roundtable discussion, representatives of Research Triangle Park businesses, nonprofits, governments and educational institutions offered their views about policies and strategies that promote job creation, and those that impede it.

The session, held at the law school, was one of five similar gatherings in the region held in conjunction with President Obama's visit to Durham later in the day, which included a speech by President Obama at Cree Inc., a major manufacturer of LED lighting in Research Triangle Park.

Melody C. Barnes, President Obama's Domestic Policy Advisor and Director of the White House Domestic Policy Council,



them blossom into even stronger advocates over the next two years!

## David Cole Phelps Elected as Third Vice-Chair

On May 14, 2011, Democrats in the First Congressional District rallied in Tarboro for their First Congressional District Convention. Congressman G.K. Butterfield gave remarks, and elections were held for officers. David Cole Phelps '13 was elected Third Vice-Chair.



*Melody C. Barnes with Dean Raymond Pierce*

presided over the meeting and also served as moderator of the session. Barnes stated that North Carolina was chosen as the site for the June 13 meetings "because of what you're doing." The Research Triangle is notable for its "dramatic focus on innovation" and for its collaborations between the public and private sectors, she said, adding, "We want to take those lessons to the rest of the country for job-creation purposes." Prior to her appointment in the Obama administration, Barnes was Executive Vice President for Policy at the Center for American

## Rule of Law and Democracy Need Each Other, Constitution Expert Tells Students

North Carolina Central University School of Law hosted the World Justice Project's Rule of Law Conference for Undergraduates on February 10, 2012. Erwin Chemerinsky, Constitutional Law expert, Dean and Founder of the School of Law at University of California, Irvine, spoke to undergraduate students from several North Carolina universities, including NCCU, UNC – Chapel Hill, N.C. State, Western Carolina, Fayetteville State, NC A&T State, and Shaw University.

Chemerinsky praised the college students who have protested throughout the Arab world to bring about the rule of law in their societies and denounced the present-day loss of innocent life in Syria in that struggle for democracy. "Democracy can't exist without the rule of law, and the rule of law can't exist without democracy," he said. He reiterated the World Justice Project's

Progress, and she also served as Chief Counsel to Senator Edward M. Kennedy on the Senate Judiciary Committee. Barnes received her law degree from the University of Michigan School of Law.

Glenn Adams '84, Chairman of the NCCU Board of Trustees, was one of several speakers who pointed out that reductions in federal Pell Grants and other financial aid to students have had the effect of stifling entrepreneurship and job creation. "Students who graduate from college with heavy debts need jobs right away," he said. "You can't be an entrepreneur who's creating jobs if you need to repay your loans."

Dean Raymond Pierce stated that "it is an honor to have President Obama's Jobs Council meet at North Carolina Central University, and the law school is particularly honored to be the host of the meeting."

definition of the rule of law, which states in part, "The laws are clear, publicized, stable, and fair, and protect fundamental rights." He described how authoritarian regimes are quick to curtail freedom of speech in the early stages of a revolt, as was the case in Egypt, where the government attempted to shut down the Internet.

Chemerinsky expressed dismay that he did not have to look overseas but in our own back yard for instances in which the United States has abrogated the rule of law. He referred to the memo by former Justice Department Attorney John Yoo that gave President George W. Bush power and authority to circumvent the Convention Against Torture (CAT).

Whereas the "torture memos" have been rescinded, the prison at Guantanamo Bay remains in operation. Chemerinsky was among the first to file a habeas corpus petition regarding the incarceration of an enemy combatant at Guantanamo Bay, Cuba, by the name of Salim Ghoreby. The legal mismanagement of 180 detainees remains unresolved to this day.

Chemerinsky's address was followed by a panel discussion moderated by North Carolina Supreme Court Senior Associate Justice Mark Martin and luncheon remarks by Kimberly Moore, U.S. Department of Justice. The panel consisted of June Atkinson, N.C. Superintendent of Education; Dr. Randall Williams, Medical Alliance for Iraq; Nancy Wykle, Editor, Durham Herald-Sun; and Rueben Young, Secretary of the N.C. Department of Crime Control and Public Safety.



*Justice Mark Martin, Dean Raymond Pierce and James Silkenat of the World Justice Project*



## 2011 Commencement: A Family Affair

Last year's commencement ceremony was indeed a family affair, with fathers and grandfathers who graduated from the School of Law joining in the celebration. The event showcased the school's great tradition of generations of family members attending and graduating from NCCU.

The Honorable James A. Wynn Jr., an appellate judge with the U.S. Court of Appeals for the Fourth Circuit, was the commencement speaker. Judge Wynn holds a Bachelor of Arts degree from UNC–Chapel Hill, a Juris Doctor degree from Marquette University Law School, and a Masters of Law degree from the University of Virginia Law School. He was nominated to the bench by President Barack Obama.

Wynn spoke about the choices lawyers must make throughout the course of their legal careers. He likened the legal education that NCCU graduates receive to preparation for guerrilla warfare. And he noted the work of Charles Hamilton Houston, for whom the NCCU School of Law has an endowed chair.

The Class of 2011 presented the law school with a gift in the amount of \$6,000. The class also installed a water feature on the first floor of the law school building.



*Photo Captions:*

1. Class of 2011
2. The Honorable James A. Wynn Jr., commencement speaker
3. Tracy Kennedy '11
4. LaKeshia Austin '11
5. Marcus Shields '11
6. Dmitry Braynin '11
7. Whitney Frye '11
8. Ashley Nicole Pressly '11







# Alumni News

## Class of 2011 Profile

170 total graduates

6 joint JD/MBA candidates

2 joint JD/MIS candidates

24 average age

38 states represented including the District of Columbia

61.2% women 38.8% men

### Most popular undergraduate institutions represented:

Appalachian State University

East Carolina University

North Carolina A&T State University

North Carolina Central University

North Carolina State University

University of North Carolina at Chapel Hill

University of North Carolina at Charlotte

University of North Carolina at Greensboro

University of North Carolina at Pembroke

## Letter from the Alumni President

It is with great honor and my sincere pleasure to serve as the President of the North Carolina Central University School of Law's Alumni Association.

As proud Alumni, we must continue our strong legacy of giving back to NCCU Law and our students. So many of you give countless hours of personal time and financial support to help our institution provide the best legal education this world has to offer. For that we are extremely thankful and for those who are not currently active, I would encourage you to get involved. It is time our students gain a better appreciation of all the resources we as Alumni have to assist them in reaching their future goals. It is time for each of us to give a little more of ourselves to help NCCU Law grow and to help our students excel in the legal profession.

If you are not involved, I would encourage you to get involved. Together, we can provide the support we all know our students deserve.

With Warmest Regards,

Larry D. Brown Jr. '08



*Justin Yang Gao '11*

**Bill Gardner '76** is assistant rugby coach and manager of the Belmont Shore RFC Team based in Long Beach, Calif. His team is the current USA Men's Club national champions. In mid-November of 2011, Gardner's team participated in the Safari 7s games, a three-day, 16-team mens/women/youth rugby 7s tournament in Nairobi, Kenya, featuring nine national teams including Samoa, the No. 1 team in the world. Gardner's team took ninth place, losing to Samoa and Spain and then winning four straight games against Tanzania, Zimbabwe, and Mwamba, Kenya's club champions. Rugby 7s was approved as an Olympic sport earlier this year and will be included in the 2016 Olympic Games in Brazil. In addition to his work with the Belmont Shore RFC Team, he is also a rugby referee in the Washington, D.C. area. Gardner has his own law practice in Fairfax, Va. The practice specializes in Creditors Rights and Landlord/Tenant issues.

**James "Jay" T. Bryan '77** has been appointed District Court Judge for District 15B (Orange and Chatham Counties) by Governor Bev Perdue.

**Grovetta Gardineer '87** was named Deputy

Comptroller for Compliance Policy at the Office of the Comptroller of the Currency in Washington, D.C.

**Fred A. Whitfield '88**, Bobcats Sports & Entertainment President and COO, was honored by the Thurgood Marshall College Fund (TMCFF) on Thursday, October 6, 2011, at its eighth annual "Awards of Excellence" event in Charlotte. The event recognizes deserving individuals across the country based on their proven leadership, community involvement and professional and civic excellence, as well as their contributions to education and diversity. At the ceremony, NBA legend and current Miami Heat Vice President of Player Development Alonzo Mourning presented Whitfield with the award.

**Craig Hemmens '88** recently published "*Kentucky v. King: The Supreme Court Invites Unwarranted Police Entry*" in *Criminal Justice Studies* 24(4): 321-327 (2011).

**Marshall B. Pitts Jr. '90** was named "Best Lawyer" in October 2011 by Fayetteville area residents in the annual *Fayetteville Observer* "Readers' Choice" Awards. In June 2011,



*Judge Arenda L. Wright Allen '85*

## NCCU School of Law Alum Appointed to U.S. District Court

The U. S. Senate voted unanimously on Wednesday, May 11, 2011, to confirm Arenda L. Wright Allen '85 of Norfolk, Va., to serve as a U.S. District Judge for the U.S. District Court of the Eastern District of Virginia.

Nominated to the bench by President Barack Obama in 2010, Wright Allen's appointment makes her the first African-American female judge to serve in that district. Virginia Senators Jim Webb and Mark R. Warner recommended Wright Allen to the post. In a statement after the Senate vote, Webb said, "Senator Warner and I recommended Arenda Wright Allen to serve on the U.S. District Court of the Eastern District of Virginia based on her exceptional qualifications and impressive record in the Norfolk community.

She not only received the highest ratings from Virginia's bar associations, but she has a wide breadth of experience, starting with her service as a JAG officer in the Navy. She is highly regarded for both her prosecutorial and criminal defense work."

Wright Allen replaces U.S. District Judge Jerome B. Friedman, who is going into partial retirement. Before becoming a public defender in 2005, Wright Allen was an Assistant U.S. Attorney from 1990 to 2005. She was in the Navy JAG Corps for five years on active duty, then as a reservist for 12 years. In 1982, Wright Allen received a bachelor's degree from Kutztown State College, in Kutztown, Pa., and received her J.D. from NCCU School of Law in 1985.

Marshall completed a four-year term on the UNC Board of Governors, a policy-setting body for the state of North Carolina's public university system, where he served as Chair of the Education, Planning and Policy Committee. Marshall, along with his brothers, Miguel and Myron, also hosts a popular radio talk show called "MP3 Brothers" that airs weekly in Fayetteville, Lumberton and Laurinburg and focuses on politics, sports, and entertainment. Marshall is also the former two-term mayor of Fayetteville, where he was the first African American to serve in that post.

**Keith E. Bell '91** was sworn in as a U.S. Administrative Law Judge for the Social Security Administration (SSA) on August 15, 2011. Currently, he is serving in SSA's Office of

Disability, Adjudication & Review in Columbia, Mo. Judge Bell previously served as trial counsel for the Mine Safety and Health Administration in Washington, D.C., at the Department of Labor, where he litigated cases before the Federal Mine Safety and Health Review Commission for 16 years. He began his legal career as a criminal prosecutor in the Philadelphia District Attorney's Office.

**Nina E. Olson '91**, who currently serves as the National Taxpayer Advocate, was recently interviewed about her role at the Internal Revenue Service (IRS) in *Kiplinger's Personal Finance*. *Kiplinger* editors sat down with Olson to discuss the mission of the Taxpayer Advocate Service, her criticism of certain tax policies, and her opinion about most tax disputes.





Leslie Amos '11

Read the full interview at [Kiplinger.com](http://Kiplinger.com).

**Wanda Allen-Abraham '95**, Human Relations Department Director for the City of Winston-Salem, was named as one of 12 outstanding women leaders by the City of Winston-Salem and Southern Community Bank and Trust. The award was based on her work to combat discrimination and to improve race relations in the city. As Human Relations Director, she is responsible for enforcing the Fair Housing Act by investigating claims of discrimination.

**Carmela D. Jackson '00** has joined the law firm of Abadin Cook in Miami, Fla. Experienced in civil, criminal, and commercial litigation, Jackson has represented clients in an array

of matters including breach of contract, real estate litigation, landlord-tenant disputes, secured Jackson '00

Jackson is Co-Chair of the Ethics Subcommittee of the American Bar Association Litigation Section's Commercial and Business Litigation Committee, a member of the Dade County Bar Association, and a member of the Wilkie D. Ferguson Jr. Bar Association. She received a B.A. from North Carolina State University. In addition to her J.D. from NCCU School of Law, Jackson has also studied International Taxation at Duke University School of Law.

**Craigie Sanders '00** was named 2011 Man of the Year in the category of Business and Economics by a Durham-based publication, *Spectacular Magazine*. Sanders is a Real Estate Staff Lawyer and Associate at K&L Gates in the Research Triangle Park office. He focuses his practice on land use planning and development.

In addition to having extensive experience working with elected and appointed government officials, Sanders has experience conducting neighborhood and community meetings.

**Toni T. (Moore) Cameron '01** has written a literary courtroom thriller titled, *Travel Check* (ISBN 1460932773). In her book, Cameron uses real-world situations to help make readers believe her courtroom drama could possibly happen in real life as her characters learn the truth behind the old saying to keep one's friends close, but their enemies closer. *Travel Check* is available for sale online at Amazon.com and through other channels.

**Takeisha Redd '03** and **Sarah J. Farber '08** were selected by *N.C. Lawyer's Weekly* as 2011 Emerging Legal Leaders. *Lawyer's Weekly* magazine selected 10 Emerging Legal Leaders based on their contributions to the legal profession and to their communities. Nominated by colleagues, clients, firms and friends, finalists had to have less than 10 years of legal practice. An awards ceremony was held in Charlotte on November 3, 2011.

**Dale J. Davis '04** was recently promoted to Senior Counsel – Intellectual Property for GE Energy's Thermal business, which is valued at roughly \$40 billion. His role includes ownership for all IP matters and a wide array of complex legal



## NCCU Law Alum Appointed to Top Veterans Post

A 2005 alumnus of the North Carolina Central University School of Law has been named Assistant Secretary for the state Division of Veterans Affairs. Governor Beverly Perdue appointed Timothy E. Wipperman '05, a Durham resident and U.S. Army veteran, to the post effective July 11, 2011.

The agency serves as an advocate for veterans and their families, offering assistance through a network of district and county offices. The agency also provides skilled nursing care and burial plots to qualified veterans, as well as a scholarship program for children of North Carolina disabled, combat or deceased war veterans.

Moses Carey '80, Secretary for the state Department of Administration, which oversees Veterans Affairs, noted that he was most impressed with Wipperman's "exceptional credentials" and "experience and commitment in serving veterans." Carey explained, "At a time when our military community is expanding, his leadership will help us carry out the Division's motto of 'helping those who served.'" About 800,000 veterans live in North Carolina, including about 120,000 active members of the military and 25,000 guard and reserve forces. The military's total impact on the state's economy is about \$25 billion annually.

Wipperman has 21 years of active duty in the U.S. Army, both as an officer and an enlisted man. As an attorney, he has represented clients in all levels of the state court system in criminal and civil cases. Wipperman is a life member of the Veterans of Foreign Wars, American Veterans, Association of the U.S. Army, and Military Officers of America Association, as well as a member of the American Legion, the American Bar Association and North Carolina Bar Association.

and technical issues, global IP transactions and global mergers and acquisitions. He is also an accomplished inventor, holding three patents related to the reduction of carbon emissions and power plant efficiency. Additionally, Davis is an appointed member of the Intellectual Property Owners Association (IPO). Upon graduation, Davis was an IP Associate with Moore & Van Allen in Research Triangle Park. He became IP counsel for GE Energy in 2006.

**Kathleen Gleason '06**, who was the first clerk for the Honorable Allyson Duncan, Fourth Circuit Court of Appeals Judge, has accepted an invitation to become a partner at the Brooks, Pierce, McLendon firm in Greensboro.

**Helen Parsonage '06** was named partner at Elliot Pishko Morgan, P.A. in Winston-Salem. In addition, Parsonage's work with immigrants' rights has earned her the "Xemplar" Award.

**Alex Gomes '06** was one of two men sworn in as council member to the North Carolina Council for Women, an advocacy agency that is a part of the state's Department of Administration.

**William S. Eubanks II '07** was invited to join Vermont Law School's (VLS) summer faculty in the school's globally recognized Environmental Law Center. In August 2011, Eubanks taught the Public Health Implications of U.S. Agriculture and Food Policy at VLS, which focused on the environmental and health effects of our nation's farming and food system. Eubanks is an attorney at the nation's leading public interest environmental law firm of Meyer Glitzenstein & Crystal.

**Dedria L. Harper '08** joined the Charlotte office of the Labor and Employment Practice of Nexsen Pruet, LLC. Harper was previously an associate with K&L Gates. Her practice will focus on advising and counseling HR managers on



*Judy Visoury '11*



*Dedria Harper '08*

day-to-day employment issues as well as handling litigation matters involving state and federal employment laws.

### **William Braziel III '09**

was named a "Rising Star" in the 2012 annual list of North Carolina Super Lawyers. Braziel is one of only four lawyers in the state to be named to the list for Consumer Bankruptcy. Licensed less than three years, Braziel is also the newest lawyer on the list. He is currently with the Brewer Law Firm in Raleigh.

### **Ashley M. Brown '10**

has been appointed to a four-year magistrate position in Jasper County, South Carolina. Judge Brown also works with her father, Attorney Harry C. Brown, Sr., a

1976 graduate of the NCCU School of Law.

**Clarissa Halks '11** opened the Law Offices of Clarissa Halks, PLLC in Durham. Halks' new practice will focus primarily on Family Law services. In addition, Halks will also accept a limited number of simple will drafting, litigation, negotiation of misdemeanor criminal cases, and personal injury cases.

**DeWarren K. Langley '11** was elected Chair of the Citizens Advisory Committee (CAC) for the City of Durham on August 29, 2011. The CAC works to enhance housing quality and affordability for the citizens of Durham by advising the Durham City Council and the Board of County Commissioners on housing and community needs. Langley was also awarded the 2011 Student Pro Bono Public Service Award by the North Carolina State Bar during the 2011 Fifty-Year Lawyers Luncheon held in Raleigh on October 20, 2011. The award was in recognition of Langley's service while a student at the School of Law. He was recommended for the award by law school administration. Langley explained, "Service is an integral part of my life. I firmly believe public service should not be something practiced if extra time permits. Rather it is an obligation and a



*Ashley Brown '10*

responsibility owed to my community. I prescribe to the mantra, 'to whom much is given, much is [expected and] required.'"

**Preston Mitchum '11** completed his first semester of the LL.M. Program in Law and Government at American University Washington College of Law in December 2011. In January 2012, he began a six-month clerkship with the American Constitution Society for Law and Policy in Washington, D.C.

## Atiba Adams '96 Travels the Globe on Behalf of Pfizer

The law firm of Skadden, Arps, Slate, Meagher & Flom LLP featured Atiba Adams '96, Chief Counsel for Pfizer's nutrition business unit, in its December 2011 "Alumni Skadden" newsletter. The article covers Adams' career at Pfizer up to his present role in overseeing the development and marketing of nutritional products in more than 60 foreign markets. In recent years, Adams' business travels have taken him to the Middle East, Far East, Africa, and South America

## Evening Program 30th Anniversary Celebration

The Evening Program Thirtieth Anniversary Celebration was held on November 5, 2011, in the Great Hall. Shelia Chavis '00 welcomed the Evening Program alumni, professors and other invited guests. Ms. Roenitia Steward performed musical selections during dinner. After dinner, several guests were invited to the podium to reveal how the Evening Program enriched their lives. The speakers included Assistant Dean of the Evening Program Adrienne Meddock '91, Professor Thomas Mmodana Ringer Jr. (retired), Gwendolyn Walker '96, Brenda Martin '00, and Kyle Brazile '13. Toward the close of the celebration, Professor James P. Beckwith read an essay he wrote titled, "Reflections on the River." The essay encompasses the long and arduous history of the NCCU School of Law Evening Program and the continued significance of the Evening Program for those seeking to "reinvent" themselves.



*Jessica Middlebrooks '11*

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